

Duties of assessors.

SEC. 2. That it shall be the duty of said assessors, if more than one shall have been elected, to agree between themselves for such systematic distribution of their work as will most efficiently further the satisfactory completion of the same within the time prescribed by law, and in assessing the property of such incorporated city, each shall faithfully and industriously work to that end, and for any failure or delinquency in that respect on the part of any or all of said assessors, he or they shall be liable, as provided by section 827 of the Code of 1873.

Publication.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Ottumwa Courier, newspapers published at Des Moines and Ottumwa, Iowa.

Approved, March 30, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register, April 6, and Ottumwa Courier, April 3, 1880.

J. A. T. HULL, Secretary of State.

CHAPTER 202.

INSPECTION OF COAL MINES.

H. F. 286.

AN ACT to Regulate Mines and Mining, and to Repeal an Act Therein Named.

Be it enacted by the General Assembly of the State of Iowa:

Appointment of inspector.

SECTION 1. That there shall be appointed by the governor, with the advice and consent of the senate, one state mine inspector, who shall hold his office for two years: subject, however, to be removed by the governor for neglect of duty, or malfeasance in office. Said inspector shall have a theoretical and practical knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, and of mining engineering. And said inspector, before entering upon the discharge of his duties, shall take an oath, or affirmation, to discharge the same faithfully and impartially, which oath or affirmation shall be indorsed upon his commission, and his commission, so indorsed, shall be forthwith recorded in the office of the secretary of state; and such inspector shall give bond in the sum of two thousand dollars (\$2,000), with sureties to the approval of the governor, conditioned for the faithful discharge of his duty.

Inspector to take an oath and give bond.

Duty of inspector.

SEC. 2. Said inspector shall give his whole time and attention to the duties of his office, and shall examine all the mines in this state as often as his duties will permit, to see that the provisions of this act are obeyed; and it shall be lawful for such inspector

to enter, inspect and examine any mine in this state, and the works and machinery belonging thereto, at all reasonable times, by night or by day, but so as not to unnecessarily obstruct or impede the working of the mines; and to make inquiry and examination into the state and condition of the mine, as to ventilation and general security, as required by the provisions of this act. And the owners and agents of such mines are hereby required to furnish the means necessary for such duty and inspection, of which inspection the inspector shall make a record, noting the time and all the material circumstances. And it shall be the duty of the person having charge of any mine, whenever loss of life shall occur by accident connected with the working of such mine, or by explosion, to give notice forthwith, by mail or otherwise, to the inspector of mines, and to the coroner of the county in which such mine is situated; and the coroner shall hold an inquest on the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the verdict, and all the testimony, to said inspector. No persons having a personal interest in, or employed in the management of, or employed in the mine where a fatal accident occurs, shall be qualified to serve on the jury impaneled on the inquest.

Owners of mines to furnish means for inspection.

Give notice of loss of life.

Coroner to hold inquest.

SEC. 3. Said inspector, while in office, shall not act as an agent, or as a manager, or mining engineer, or be interested in operating any mine, and he shall annually, on or before the first day of January, make report to the governor of his proceedings, and the condition and operations of the mines in this state, enumerating all accidents in or about the same, and giving all such information as he may think useful and proper, and making such suggestions as he may deem important as to further legislation on the subject of mining.

Inspector shall have no interest in mines and shall report to governor.

SEC. 4. Said inspector shall receive a salary of fifteen hundred dollars per annum, to be paid in quarterly installments, and he shall have and keep an office in the state-house at Des Moines, in which shall be kept all records and correspondence, papers, and apparatus, and property pertaining to his duties belonging to the state, and which shall be handed over to his successor in office.

Salary and office.

SEC. 5. Any vacancy occurring when the senate is not in session, either by death or resignation, removal by the governor, or otherwise, shall be filled by appointment by the governor, which appointment shall be good until the close of the next session of the senate, unless the vacancy is sooner filled, as in the first section provided.

Vacancy, how filled.

SEC. 6. There shall be provided for said inspector all instruments necessary for the discharge of his duties under this act, which shall be paid for by the state on the certificate of the inspector, and shall be the property of the state.

Instruments to be furnished by the state.

SEC. 7. The owner or agent of every coal mine shall make, or cause to be made, an accurate map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch, showing the area mined or excavated. Said map or plan

Accurate maps of workings of each mine to be made.

shall be kept at the office of such mine. The owner or agent shall, on or before the first day of September, 1880, and annually thereafter, cause to be made a statement and plan of the progress of the workings of such mine up to said date, which statement and plan shall be marked on the map or plan herein required to be made. In case of refusal on the part of said owner or agent, for two months after the time designated, to make the map or plan, or the addition thereto, the inspector is authorized to cause an accurate map or plan of the whole of said mine to be made at the expense of the owner thereof, the cost of which shall be recoverable against the owner in the name of the person or persons making said map or plan.

Inspector may make such map and recover cost thereof.

Restrictions on mining.

SEC. 8. After six months from the passage of this act it shall not be lawful for the owner or agent of any coal mine operated by shaft or slope to employ more than fifteen persons at one time to work therein, or permit more than fifteen persons at one time to work in such mine, unless there are to every seam of coal worked in such mine two separate outlets, separated by natural strata of not less than fifty feet in breadth, by which shafts or outlets distinct means of egress must be always available to afford easy escape from such mine in case of explosion, cavings, or falling in of either shaft. But in case of mines operated as in this section first provided, if in the judgment of the inspector an additional shaft is deemed necessary, then the same shall be provided, subject, however, to the decision of the circuit court of the county in which the mine is situated.

New mines allowed one year to make outlets.

SEC. 9. All mines hereafter opened shall be allowed one year to make outlets as provided in section 8 when such mine is under two hundred feet in depth, and two years when such mine is over two hundred feet, but not more than twenty men shall be employed in such mines at one time until the provisions of section 8 are complied with, and after the expiration of the periods above mentioned, should said mines not have the outlets aforesaid, they must reduce their number to fifteen persons.

Inspector to see that all mines are properly ventilated, etc.

SEC. 10. It shall be the duty of said inspector to see that all coal mines are well and properly ventilated and that such quantities of air are supplied to the miners at their several places of working in each mine as is requisite for their health and safety. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace is used for ventilating purposes it shall be built in such a manner as to prevent the communication of fire to any part of the works by lining the up-cast with incombustible material for a sufficient distance up from said furnace.

Owners to provide speaking tubes, safety-gates, etc.

SEC. 11. The owner or agent of every coal mine, operated by shaft or slope, in all cases where the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube or other suitable means for communicating from the top to the bottom of said shaft or slope, suitably calculated for the free passage of sound therein, so that conversation may be held between persons at the bottom and top of the shaft or slope; and

there shall be provided a sufficient cover overhead on all carriages used for lowering and hoisting persons, and on the top of every shaft an approved safety-gate; and also an approved safety-spring on the top of every slope, and an adequate brake shall be attached to every drum or machine used for raising or lowering persons in all shafts or slopes, and a trail shall be attached to every car used on a slope: all of said appliances to be subject to the approval of the inspector.

SEC. 12. No owner or agent of any coal mine, operated by shaft or slope, shall knowingly place in charge of any engine used for lowering into or hoisting out of such mine persons employed therein, any but experienced, competent and sober engineers; and no engineer in charge of such engine shall allow any person, except such as may be deputed for that purpose by the owner or agent, to interfere with it, or any part of the machinery; and no person shall interfere or in any way intimidate the engineer in the discharge of his duties; and the maximum number of persons to ascend out of or descend into any coal mine on one cage shall be determined by the inspector, but in no case shall such number exceed ten, and no person shall ride upon or against any loaded cage or car in any shaft or slope.

Shall employ competent engineers.

Duty of engineer.

SEC. 13. No boy under twelve years of age shall be allowed to work in any mine; and it shall be the duty of the agent of such mine to see that the provision of this section is not violated.

Age of miners.

SEC. 14. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregards the requirements of this act, for twenty days after being notified by the inspector, any court of competent jurisdiction, in session or vacation, may, on application of the inspector, by civil action in the name of the state, enjoin or restrain the said owner or agent from working or operating such mine with more than ten miners at once, until it is made to conform to the provisions of this act, and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

In case of non-compliance, may enjoin.

SEC. 15. Any miner, workman, or other person, who shall knowingly injure, or interfere with any air-course, or brattice, or obstruct or throw open doors, or disturb any part of the machinery, or disobey any order given in carrying out the provisions of this act, or ride upon a loaded car or wagon in a shaft or slope, or do any act whereby the lives and health of the persons or the security of the mines and machinery is endangered; or if any miner or person employed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop or support the roof and entries under his control, or neglect or refuse to obey any order given by the superintendent in relation to the security of the mine in the part of the mine under his charge or control, every such person shall be deemed guilty of a misde-

Penalty for injuring or interfering with.

meanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Governor shall
convene board
of examiners,
when.

SEC. 16. Whenever written charges of gross neglect of duty, or malfeasance in office against any inspector, shall be made and filed with the governor, signed by not less than fifteen miners, or one or more operators of mines, together with a bond in the sum of five hundred dollars, payable to the state, and signed by two or more responsible freeholders, and conditioned by [for] the payment of all costs and expenses arising from the investigation of such charges, it shall be the duty of the governor to convene a board of examiners, to consist of two practical miners, one mining-engineer and two operators, at such time and place as he may deem best, giving ten days' notice to the inspector against whom charges may be made, and also the person whose name appears first in the charges; and said board, when so convened, and having first been duly sworn or affirmed truly to try and decide the charges made, shall summon any witnesses desired by either party, and examine them on oath or affirmation, which may be administered by any member of the board, and depositions may be read on such examination, as in other cases; and the board shall examine fully into the truth of such charges, and report the result of their investigations to the governor; and if their report shows that said inspector has grossly neglected his duties, or is incompetent, or has been guilty of malfeasance in office, it shall be the duty of the governor forthwith to remove said inspector, and appoint a successor; and said board shall award the costs and expenses of such investigation against the inspector, or the person signing said bond.

Board to con-
sist of.

Duty of the
board.

Miners to have
right of access
to scales, etc.

SEC. 17. In all coal mines in this state, the miners employed and working therein shall, at all proper times, have right of access and examination of all scales, machinery, or apparatus used in or about said mine to determine the quantity of coal mined, for the purpose of testing the accuracy and correctness of all such scales, machinery, or apparatus; and such miners may designate or appoint a competent person to act for them, who shall, at all proper times, have full right of access and examination of such scales, machinery, or apparatus, and seeing all weights, and measures of coal mined, and the accounts kept of the same: *Provided*, not more than one person on behalf of the miners collectively shall have such right of access, examination, and inspection of scales, weights, measures, and accounts, at the same time, and that such person *and that such person* shall make no unnecessary interference with the use of such scales, machinery, or apparatus.

proviso: one
person only.

Owner shall
keep supply of
timber at mine.

SEC. 18. The owner, agent, or operator of any coal mine, shall keep a sufficient supply of timber, where required to be used as props, so that the *workman* [workmen] may at all times be able to properly secure the workings from caving in, and it shall be the duty of the owner, agent, or operator, to send down all such props when required.

SEC. 19. The provisions of this act shall not apply to, or affect, any coal mines in which not more than fifteen persons are employed at the same time: *Provided*, that upon the application of the proprietors of, or miners in, any such mine, the inspector shall make or cause to be made, an inspection of such mine, and direct and enforce any regulations in accordance with the provisions of this act that he may deem necessary for the safety or the health and lives of the miners.

Does not apply
to certain
mines.
Proviso.

SEC. 20. Chapter 31, acts of the fifteenth general assembly, is hereby repealed.

Repealing
clause.

Approved, March 30, 1880.

CHAPTER 203.

INSTITUTION FOR EDUCATION OF DEAF AND DUMB.

AN ACT to Amend Sections One and Two, Chapter 98, Laws of the Seventeenth General Assembly, Relating to the Institution for the Deaf and Dumb.

H. F. 540.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter 98, laws of the seventeenth general assembly, be and the same is hereby amended, by striking out the word "thirty" in the third line of section 1, and inserting in lieu thereof the word "twenty-eight"; and also by striking out the word "eight" in the third line of section 2 and inserting the word "eleven" in lieu thereof.

Chap. 98, acts
of 17th G. A.,
amended.
Reduction of
pupilage and
support fund.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and in the Council Bluffs Daily Nonpareil, a newspaper published at Council Bluffs, Iowa.

Publication.

Approved, March 30, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 6, and in the *Council Bluffs Daily Nonpareil*, April 9, 1880.

J. A. T. HULL, *Secretary of State.*